

DISTRICT COURT  
SOUTHERN DISTRICT

COUNTY OF NEW YORK

Plaintiff,  
**NESTOR LARACUENTA ET., AL.** INDEX# 08 CIV 5618

— AGAINST —

**AFFIDAVIT OF SERVICE**

**SMOKENFOODS, LLC ET., ANO.**

Defendant,

STATE OF NEW YORK)  
                                )SS.  
COUNTY OF ALBANY )

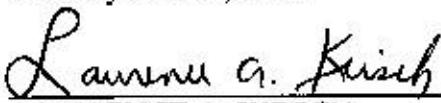
— MARIA SCHMITZ being duly sworn, deposes and says:

That she is over the age of eighteen years and is not a party to this action.

That on the 26th day of June, 2008, she served the Summons and Class and Collective Action and Complaint on SMOKIN FOODS LLC, a limited liability company, one of the defendants in this action by personally delivering to and leaving with a person, CAROL VOGT, a white female with brown hair, brown eyes, approximately 48 years of age, 5'0" and 125 lbs. authorized by the Secretary of State to receive such service, at the office of the Department of State in the City of Albany, New York, duplicate copies thereof together with the sum of \$40.00 (forty dollars), the statutory fee.

  
\_\_\_\_\_  
MARIA SCHMITZ

Sworn before me this  
26th day of June, 2008

  
\_\_\_\_\_  
LAWRENCE A. KIRSCH  
4787475  
Notary Public - State of New York  
Residing in Albany County  
Commission Expires May 31, 2011